

**UNITED STATES DISCRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MAKINO INC	:	Case No. 1:23cv-00008
Plaintiff	:	
	:	
vs.	:	AFFIDAVIT OF TOM SCHERPENBERG
	:	
CROSS INDUSTRIES, INC, et al.	:	
Defendants.	:	

Comes now the Affiant, Tom B. Scherpenberg, after first being duly cautioned and sworn, hereby states as follows:

1. I am over the age of eighteen and am competent to testify about the matters stated herein.

2. I am Vice President of Finance for Makino Inc. ("Makino") and am familiar with the Cross Industries, Inc ("Cross") account. Cross and Makino previously entered into a Settlement Agreement ("Agreement"), which Agreement is attached to Makino's Complaint. Cross has defaulted on the terms of the Agreement. As a result, Cross is indebted to and owes Makino \$275,000.00 as of December 1, 2022.


3. Cross continues to retain possession of a Makino EDM machine, serial number 80168 and a 5 mill machine, serial number 80205 ("the Machines").

4. Makino has a purchase money security interest in the Machines. This interest has been perfected. (See Exhibit A).

5. Because Cross has breached the Agreement and continues to retain possession of the Machines, Cross wrongfully possesses the Machines. Makino is the

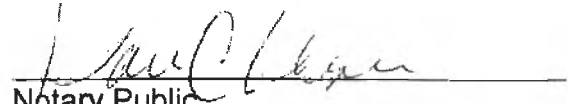
true and rightful owner of the Machines and requests that Cross be ordered to return the Machines to Makino.

FURTHER AFFIANT SAYETH NAUGHT.


Tom B. Scherpenberg

STATE OF OHIO)
) SS:
COUNTY OF WARREN)

Sworn to before me and subscribed in my presence this 21st day of April, 2025.


Notary Public



LAURA C KLINGER
Notary Public, State of Ohio
My Commission Expires
September 5, 2027